APPENDIX A.

November 8, 1967.

The Honorable Ramsey Clark,
Attorney General,
Department of Justice,
Washington, D. C.

DEAR GENERAL CLARK:

I am writing to seek your assistance in determining whether the criminal trial of my clients was tainted by illegal wiretapping and/or eavesdropping carried on by federal agents.

My clients, Messrs. Arthur B. Sachs and M. Prial Curran, are attorneys who were indicted in 1964 for several federal offenses. Their conviction was sustained by the Seventh Circuit Court of Appeals on September 12, 1967 and a Petition for Certiorari is now pending. None of the alleged crimes in any way involved the national security. Since they are both lawyers, Messrs. Sachs and Curran took an active part in their defense, and from that time to the present they have participated in many meetings and telephone calls concerning their trial and the subsequent appeal. Much of this activity, including several conferences with counsel, took place in Mr. Sachs' office at One North LaSalle Street, in Chicago. Mr. Sachs recently informed me that he had reason to suspect that his phones may have been tapped and that a listening device may have been installed in his office. On a Saturday night in March or April, 1966, he recalls noticing his office clock (an Atmos clock manufactured by Le Coultre) running normally. On

the following Monday morning, he saw that the clock had stopped and he thought he noticed some slight differences between his clock and the one on the table. Upon checking with the Le Coultre Company, he learned that the clock then on his table had a serial number which indicated that it was manufactured after the time when Mr. Sachs obtained his clock. He suspects, therefore, that his clock may have been used to conceal a listening device and was removed and replaced with another one. He also claims that he heard strange noises in his home and office phones, State 2-8300 on Extensions 30, 31, 41, 42, 45 and 46, and Sycamore 8-2793.

We, of course, have no way of knowing whether Mr. Sachs' offices or phones were, in fact, "bugged." We are, therefore, asking your assistance in determining whether this did occur. If federal surveillance of the sort suggested by this evidence was in fact carried out, it evidently threatened my clients' right to enjoy the benefit of counsel and to be protected against unconstitutional eavesdropping and illegal wiretapping, and it also violated President Johnson's eavesdropping directive of 1965, and the principles of your memorandum of July 6, 1967.

As you have said, the Justice Department "must never proceed with any investigation or case which includes evidence illegally obtained or the fruits of that evidence. No investigation or case of that character shall go forward until such evidence and all of its fruits have been purged and we are in a position to assure ourselves and the court that there is no taint or unfairness." *N. Y. Times*, Dec. 1, 1966, at 1, 32. The Solicitor General's Supplementary Memorandum in the *Schipani* case, 385 U. S. 372 (1967), informed the Supreme Court that the Justice Department has initiated "an extensive review . . . in order to determine the instances in which there might have been monitoring affecting a case which has been brought to trial." I

would much appreciate if, as part of this review, you could investigate my clients' claim and inform me whether surveillance devices were used.

Thank you for your cooperation.

Very truly yours,

/s/ DON H. REUBEN.
DON H. REUBEN.

DHR/clf

APPENDIX B.

(Stamp) Received Nov 27 1967 D. H. R.

Assistant Attorney General
Criminal Division

DEPARTMENT OF JUSTICE
Washington 20530

November 22, 1967.

Mr. Don H. Reuben,
Kirkland, Ellis, Hodson,
Chaffetz & Masters,
Prudential Plaza,
Chicago, Illinois.

DEAR MR. REUBEN:

The Attorney General has asked me to reply to your letter dated November 8, 1967, relating to the conviction of your clients, Arthur B. Sachs and M. Prial Curran in the Northern District of Illinois for violations of Sections 371, 656, 657 and 1006, Title 18 United States Code.

In *Schipani* v. *United States,* Docket No. 504, Supreme Court, 1966 Term, the United States advised the court that an extensive review had been undertaken by the Department of Justice in order to determine the instances in which there might have been electronic monitoring affecting a case which had been brought to trial and that it was the policy of the Department promptly to notify the appropriate court when any material discovery is made. That review procedure was undertaken with regard to this case and no notification has been made because our inquiry has produced no information within the scope of *Schipani* v. *United States.*

Sincerely,

/s/ FRED M. VINSON, JR.
FRED M. VINSON, JR.
Assistant Attorney General.

APPENDIX C.

December 1, 1967.

The Honorable Fred M. Vinson, Jr.,
Assistant Attorney General,
Criminal Division,
Department of Justice,
Washington, D. C. 20530.

Re: United States v. Arthur
B. Sachs and M. Prial
Curran, N. D. Ill.

DEAR MR. VINSON:

I have and thank you for your letter of November 22, 1967.

In my original letter to the Attorney General dated November 8, 1967, I inquired whether any surveillance by electronic listening devices or similar means had in fact been conducted by the Government in connection with the above-named case. You have responded in your letter that it is the policy of the Justice Department (as announced in the Government's Memorandum on rehearing of *Schipani* v. *United States*) to conduct an "extensive review" of criminal prosecutions in which there "might have been electronic monitoring affecting a case," and to notify the appropriate court "when any material discovery is made." Your letter further states that this review procedure was undertaken in this case and "no notification has been made because our inquiry has produced no information within the scope of *Schipani* v. *United States*."

I do not believe that your letter answers my original inquiry, *i.e.*, whether any electronic surveillance or other such eavesdropping did in fact occur in this case. If it did, I believe that the defendants and their counsel are clearly entitled to know that fact and to receive a full opportunity to make an independent appraisal and evaluation of whether the surveillance and its fruits were "material" or in any way "affected" the case. (*United States* v. *Coplon*, 185 F. 2d 629, 636-39 (2nd Cir.), cert. denied, 342 U. S. 920.) Only in this manner can there by satisfactory and concrete assurance that the investigation and prosecution of the case was without "taint or unfairness." (Memorandum for the Government on rehearing of *Schipani* v. *United States*.)

I therefore respectfully request a more definite and complete response to my inquiry. I request your response as promptly as possible because, as you know, my clients' petition for a writ of certiorari to review their convictions is now pending in the Supreme Court (No. 718).

Very truly yours,

/s/ DON H. REUBEN.
DON H. REUBEN.

DHR/clf